

My response to that is, maybe we could. Maybe we can do that. And you can put them in a U.S. court, but why in the world would you want to? You could, but should you?

The administration likes to tout its confidence in the U.S. legal system. Well, I don't believe the American people need to try any enemy combatants in our own hometowns and cities to prove that our court system works. We know it works. We are American citizens.

Prosecution is certainly important. But let's be clear, prosecution is not our ultimate goal in this war. Our goal is to capture or kill those who want to kill us, here and abroad, and who are plotting even now, as this case clearly proves, to wreak havoc on our troops overseas.

This is quite simple: Those whom we capture should be interrogated and, if necessary, indefinitely detained and tried in a military setting. Through these interrogations additional intelligence can be derived that leads to additional targets, thereby weakening al Qaeda and other associated terror groups at a moment when they are vulnerable.

The good news is we already have the perfect solution for a case such as the one I have been discussing in Kentucky. These men don't belong in a courtroom in Kentucky. They belong in a secured detention facility at Guantanamo Bay, Cuba, far away from U.S. civilians. Sending them to Gitmo is the only way to ensure they will not enjoy all the rights and privileges of U.S. citizens. Sending them to Gitmo is the only way we can be certain there won't be retaliatory attacks in Kentucky. How would you like to be the judge in this case? How would you like to be the jurors in this case? Do they run the risk of being targets for the rest of their lives? Are they in sort of witness protection programs indefinitely? Why should we subject U.S. citizens to this kind of risk?

Sending them to Gitmo is the only way we can prevent Kentuckians from having to cover the cost and having to deal with the disturbance and disruptions that would come with a civilian trial, and sending them to Gitmo is the best way to ensure they get what they deserve.

Today I am calling on the administration to change course. Get these men out of Kentucky. Send them to Guantanamo where they belong. Get these terrorists out of the civilian system, get them out of our backyards, and give them the justice they deserve.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will be in a period of morning business until 11 a.m. for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the two leaders and their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from California.

ETHANOL

Mrs. FEINSTEIN. Madam President, I rise today in support of the Ethanol Subsidy and Tariff Repeal Act, which Senator COBURN has offered and I have cosponsored, along with Senators BURR, CARDIN, COLLINS, CORKER, LIEBERMAN, RISCH, SHAHEEN, TOOMEY, and WEBB.

I know the fact that this amendment is on the floor scheduled to be voted on at 2:15 this afternoon has caused some deep consternation on my side of the aisle. There is objection to the procedures used. I am not going to get into that. I am going to say a vote is a vote, and we are facing a vote at 2:15 unless something changes.

To be candid, if there were an offer to bring this to the floor next week or the week after for a time specific and a commitment specific, I believe the author and myself and our cosponsors would certainly agree to that. But in the absence of that offer, it is important that the Senate take a position on a program that has become both gross and egregious, and I want to explain why I feel that way.

No other product I know of has the triple crown of government support that corn ethanol enjoys in this country. Its use is mandated by law. Oil companies are paid by the Federal Government to use it, so there is a subsidy, and corn ethanol is protected by a rather high tariff. Consequently, it has been very profitable for farmers. This amounts to almost \$6 billion a year of taxpayers' money that goes to support the corn ethanol industry in this country.

Put another way, that is \$15 million each and every day spent on this subsidy at a time when, candidly, we simply can't afford it.

They say there are very few privileges left out there. This is one that is enormous, and I think we have to take a look at it. I think if this amendment passes, nearly \$3 billion is saved between July 1 and the end of the year. That is not insignificant. It goes into the general fund and it helps abate the deficit.

Since 2005, we have spent \$22.6 billion on this subsidy, and it gets more expensive every year. In 2011, the government will spend \$5.7 billion; in 2012, \$5.9 billion; in 2013, \$6.2 billion. And you can see, since the program came into being in 2005—and I voted against it then—it was at \$1.5 billion; the next year, \$2.6 billion; the next year, \$3.3 billion; the next year \$4.4 billion, the next year, \$5.2 billion; and 2010, \$5.7 bil-

lion of a trifecta of triple-crown subsidies to go to recompense people for using corn ethanol. It is wrong.

On top of this subsidy, we have imposed a 54-cent-per-gallon tariff on ethanol products from Brazil, India, and Australia and others that could import it more cheaply than it is grown here. This then contributes to making the United States more dependent on oil imports from OPEC.

Our amendment is simple. Beginning July 1, we would repeal the 45-cent-per-gallon ethanol subsidy, which goes overwhelmingly to large oil companies, and it would eliminate the 54-cent-per-gallon tariff on imported ethanol.

I believe very strongly that we need to act to repeal these subsidies and these tariffs before another \$2.7 billion in taxpayer money, which is \$15 million a day, is wasted over the remaining 6 months of this year.

Let me describe the real-world impact of these unwise subsidies and tariffs to our economy.

Last week, I was in the Central Valley at an event and I would say anywhere from six to eight farmers came up to me and said, "Thank you for trying to end the ethanol business. I can no longer afford feed." I began to think, and so we took a look at what the situation is. The fact is this ethanol policy is inflating the price of corn and impacting other sectors of the economy.

Today, approximately 39 percent of our corn crop is now used to produce ethanol in this country. Here is where it has gone: The percent of corn for 2000, 7 percent; 2005, 14 percent; and 2010, 39 percent of the entire corn crop goes to produce ethanol. Corn futures reached a record \$7.99 a bushel on the Chicago Board of Trade last week. Prices are up 140 percent in the past 12 months and continue to rise. In 2006, prices were \$2 a bushel. Today they are \$7.99 a bushel.

This has been a real spike in the price of feed. If it continues one can expect major price increases in grain and food as well. The average price of corn has risen 225 percent since 2006.

Here it is, here it goes on this chart. It goes down slightly and then it has gone up.

In California, the annual feed costs for Foster Farms—this is the largest poultry producer on the west coast—has tripled over the past year, increasing Foster Farms' cost for feed by more than \$2 million. This is more than the largest profit the company has ever made.

I hear similar stories from small producers, from co-ops, from dairymen and cattlemen throughout California. The price of feed is rising to such an extent that experts are predicting a mass slaughter of hogs and dairy cows this summer. In other words, it is becoming cheaper to slaughter the animals rather than to feed them. That is wrong.

Paul Cameron of Imperial County, CA, recently wrote to me:

As a cattle producer who has never asked for a subsidy of any kind, I only ask that

ethanol production stand on its own and allow true supply and demand to dictate the real price of corn.

It seems to me he is spot on. It seems to me when we look at charts like this on grain prices, on the huge subsidy that oil companies get, on the protective tariff, we have to say enough is enough. The USDA predicts that continued demand from the livestock, ethanol, and food industry will reduce corn reserves to the lowest level since the mid-1990s. These low grain reserves will have repercussions globally. We know rising food prices exacerbate global poverty and could intensify political unrest in some parts of the world. But the bottom line is, diverting 39 percent of our crop toward ethanol is artificially driving up corn prices, which in turn is straining people and industries that depend on affordable corn.

In addition to impacting the price of corn, the \$6 billion annual ethanol subsidy is fiscally irresponsible. If the current subsidy were to exist through 2014, as the industry has proposed, the Treasury would pay oil companies at least \$31 billion to use 69 billion gallons of corn ethanol that the Federal renewable fuels standard already requires them to use under the Clean Air Act. The biggest recipient receiving money is BP. According to reports, it receives \$55 million. We cannot afford and should not pay oil companies such as ExxonMobil and BP to follow the law to the tune of \$6 billion a year. As the GAO has found, the mandate for the use “is duplicative in stimulating domestic production and use of ethanol, and can”—and is—“resulting in substantial loss of revenue to the Treasury.”

Let me just say one thing about the tariff. The tariff on low-carbon sugarcane ethanol, which I proposed repealing in 2006, makes our Nation more dependent on foreign oil. How? The combined tariffs on ethanol are 60 cents per gallon, at least 15 cents per gallon higher than the ethanol subsidies they supposedly offset. So this is essentially a major trade barrier.

We have a real problem with this triple crown: We mandate its use, we pay people to use it, and then we set a large tariff barrier to prevent anybody from importing any ethanol, whether it is corn or sugar, that is cheaper. This is expensive, \$15 million a day, \$6 billion, as I said, a year.

I know many of my colleagues agree with the substance of this legislation, and I appreciate very much that the amendment is being considered under somewhat unusual circumstances and procedures. I hope we can have a fair vote. I hope Members will not disregard the import of what we are doing. We are essentially saving the government nearly \$6 billion a year by simply repealing the subsidy, repealing the mandate, and repealing the tariff. I believe the time has come.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

LIBYA

Mr. UDALL of New Mexico. Madam President, I rise today because I believe the United States is headed down a slippery path toward an escalation of military force in Libya. I also believe if the U.S. military is to be involved in such an escalation, then the Congress must exercise its constitutional authority and approve or disapprove the President's proposal.

I supported President Obama's initial decision to engage in a limited military operation to prevent an imminent humanitarian catastrophe. President Obama and the international community were clear that targeting of civilians by Muammar Qadhafi would not be tolerated. It has been over 60 days since the President notified the Congress that he intended to use military force in Libya. We are adrift. We are without direction. We are in danger of fighting an expanded war, a war that was originally justified as a limited military operation, a no-fly zone, to prevent civilian casualties and imminent catastrophe. This war has now been slowly expanded for one that is pushing for regime change.

We have been down this path before. Let's not go there. In Libya we are now receiving reports that helicopter gunships are being used to target ground forces—something that was never originally intended under the premise of a no-fly zone. In fact, it seems that the no-fly zone has slowly evolved into what some have called a no-drive zone. Congress has not approved this action.

I do not believe the U.N. Security Council approved such an action in U.N. Security Council Resolution 1973.

We also hear it is now the policy to support regime change and that there are some plans to arm rebel groups. Some outside groups and Members of Congress are clamoring to escalate the war in Libya. They believe air power will never dislodge Muammar Qadhafi and his family. The Congress has not approved the use of military force to achieve regime change. Flooding the region with small arms is also being proposed. This would be a major mistake and could lead to a host of unintended consequences.

We do not know enough about the rebels fighting Qadhafi, but we do know there are plenty of mercenaries, as well as members of al-Qaida, waiting to exploit any chaos. If arms are flooded into the region, there is no guarantee they will be able to account for those arms. In my opinion, there is a high likelihood those arms could end up in the hands of some very unsavory and dangerous individuals.

The bottom line is this: Congress has not had the opportunity to weigh in. Like my colleagues, I deplore Muammar Qadhafi. I support a democratic transition and his departure from power, but the military goals should be defined and limited as a matter of policy. It should not include regime change. This would be a dangerous escalation.

As many of you know, the Senate Foreign Relations Committee was planning a markup for last Thursday of S. Res. 194, titled “Expressing the Sense of the Senate on the United States Military Operations in Libya.” I had strong concerns about the resolution we were scheduled to consider. A sense of the Senate is clearly not an authorization for use of military force. A sense of the Senate does not meet the requirements of the War Powers Act. And a sense of the Senate falls short of meeting our constitutional obligation to declare war.

I drafted an amendment to S. Res. 194. I ask unanimous consent the text of this amendment be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. UDALL of New Mexico. My amendment stated:

The President is not authorized to deploy ground forces, including special operations forces, in pursuance of any goals related to United States policy in Libya, unless expressly authorized by Congress or as determined necessary by the President to protect a member of the United States Armed Forces currently deployed in the region.

I believe any authorization of military force should contain similar language. I understand Senator WEBB and Senator CORKER have introduced a resolution with these prohibitions and exceptions to protect our troops and I support these efforts to limit the mission in Libya. It is important that we do not escalate military actions in Libya. An escalation would be a dangerous course, and it would be costly to the region and our country.

While the markup has been postponed, it is my understanding that Senator KERRY and others are working on language that would fulfill our constitutional obligations and comply with the War Powers Act. I look forward to consideration of a resolution of this kind in the Foreign Relations Committee and strongly believe it should include language similar to the amendment I was going to offer.

I have been proud to serve in the Congress for more than a decade. We have fought two lengthy wars during this period of time. I have seen the impact on our military, on their families, on our national deficit. Before the United States escalates its involvement in another overseas conflict, Congress must weigh in. It is our constitutional duty.

EXHIBIT 1

DRAFT AMENDMENT TO S. RES. 194

That the President is not authorized to deploy ground forces, including special operations forces, in pursuance of any goals related to United States policy in Libya, unless expressly authorized by Congress or as determined necessary by the President to protect a member of the United States Armed Forces currently deployed in the region.

Mr. DURBIN. Will the Senator from New Mexico yield for a question?